# CODE NEXT

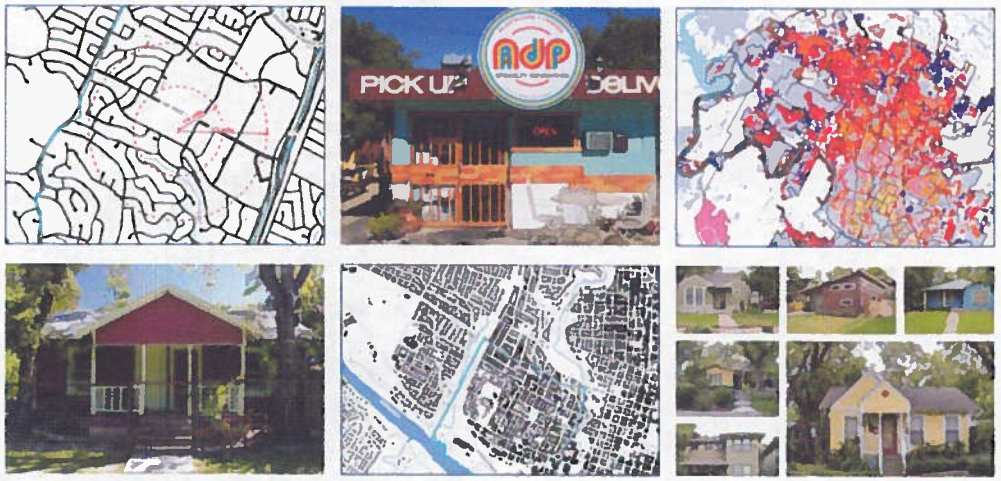
SHAPING THE AUSTIN WE IMAGINE

## Code Diagnosis Introduction

**Presented by:**
Daniel Parolek, Principal
Opticos Design, Inc.
dan@opticosdesign.com

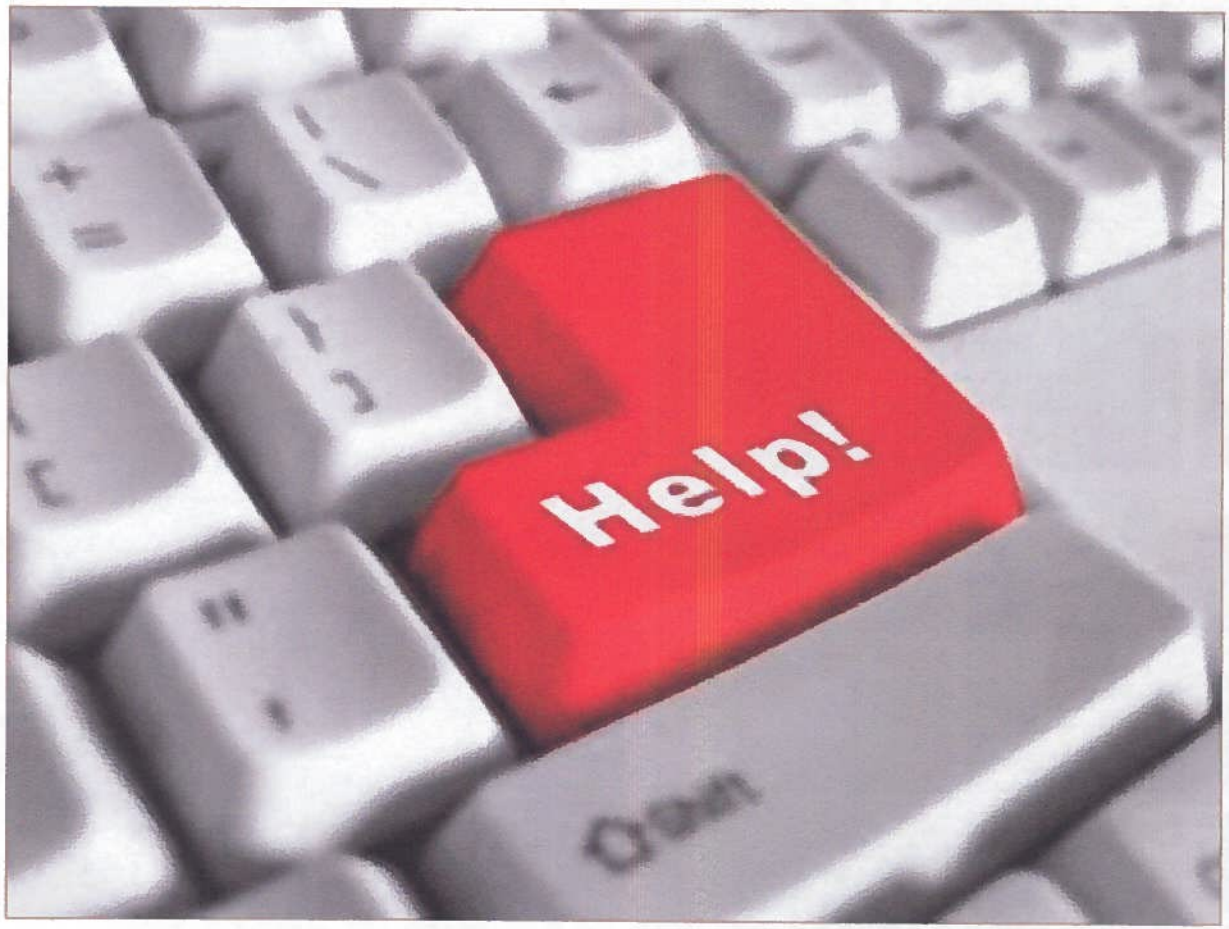
**Presented to:**
Comprehensive Plan and
Transportation Subcommittee:

May 5, 2014



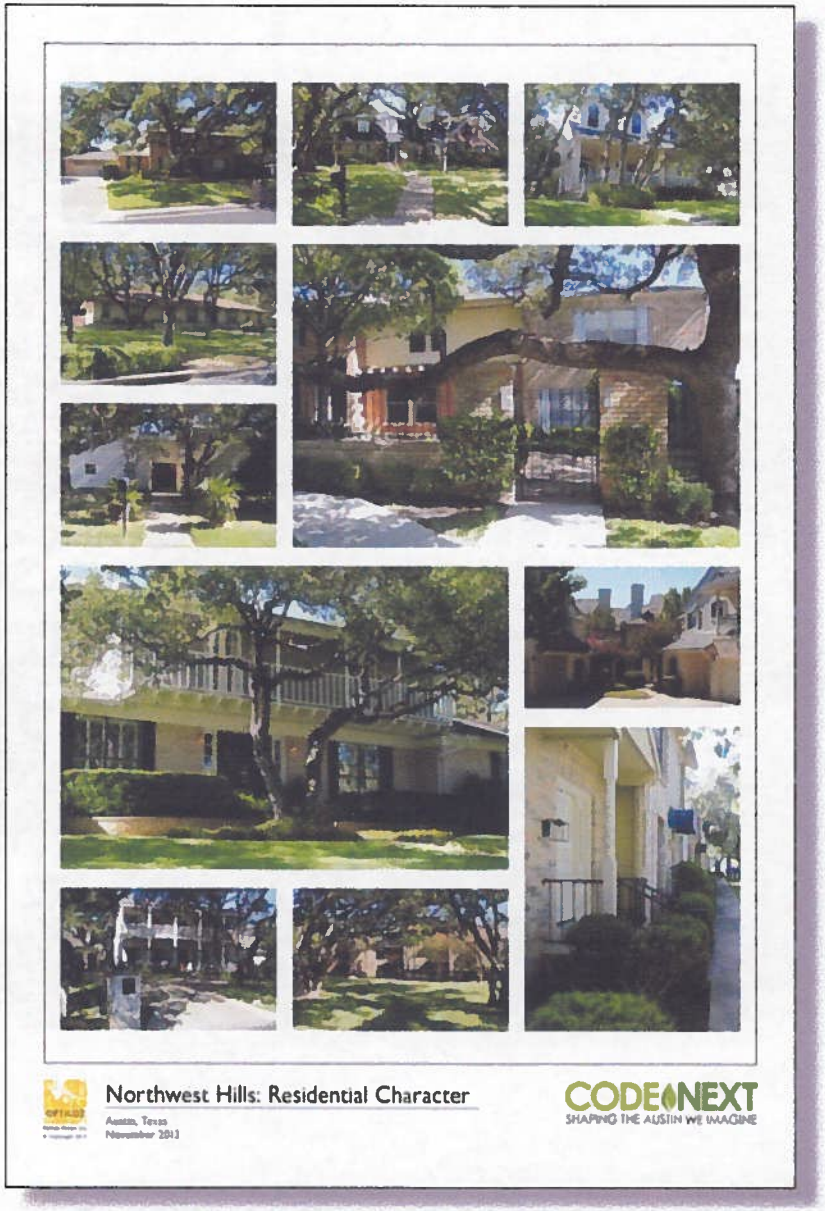
# Need for an Update: LDC is 30 Years Old and Showing Its Age

# Need for an Update: LDC is 30 Years Old and Showing Its Age



# Presentation Overview

1. Introduction
2. Top 10 LDC Issues
3. Conclusion



# Introduction

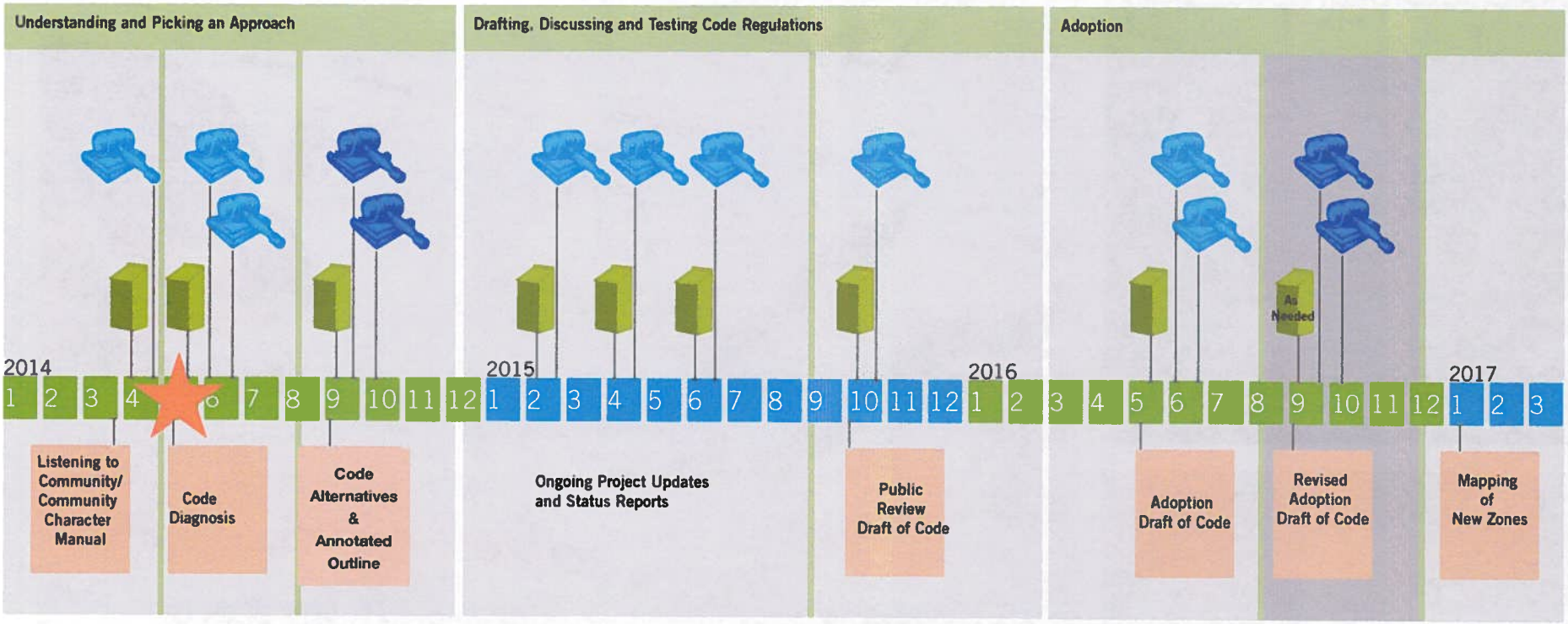
## Foundation for the Process and Process to Date

# CODE NEXT

## SHAPING THE AUSTIN WE IMAGINE


- Compact & Connected
- Creative Economy
- Sustainable Water
- Household Affordability
- Workforce & Education
- Healthy Austin
- Green Infrastructure
- Development Regulations

# Next Steps: Major Deliverables



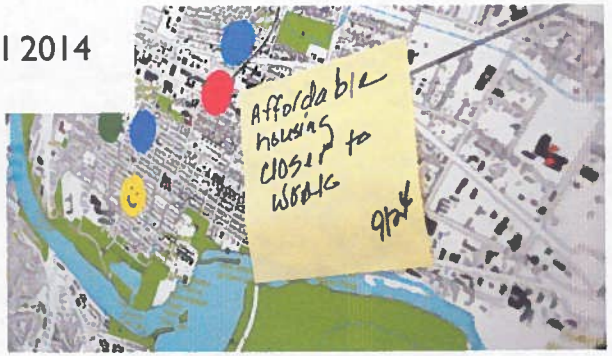

KEY

- City Council Presentation/ Work Session
- City Council Decision
- Code Advisory Group & Planning Commission Presentation/ Special Session
- Major Deliverable

CODE NEXT
SHAPING THE AUSTIN WE IMAGINE

# Listening to the Community Report Summary

INITIAL LISTENING PHASE | Released April 2014

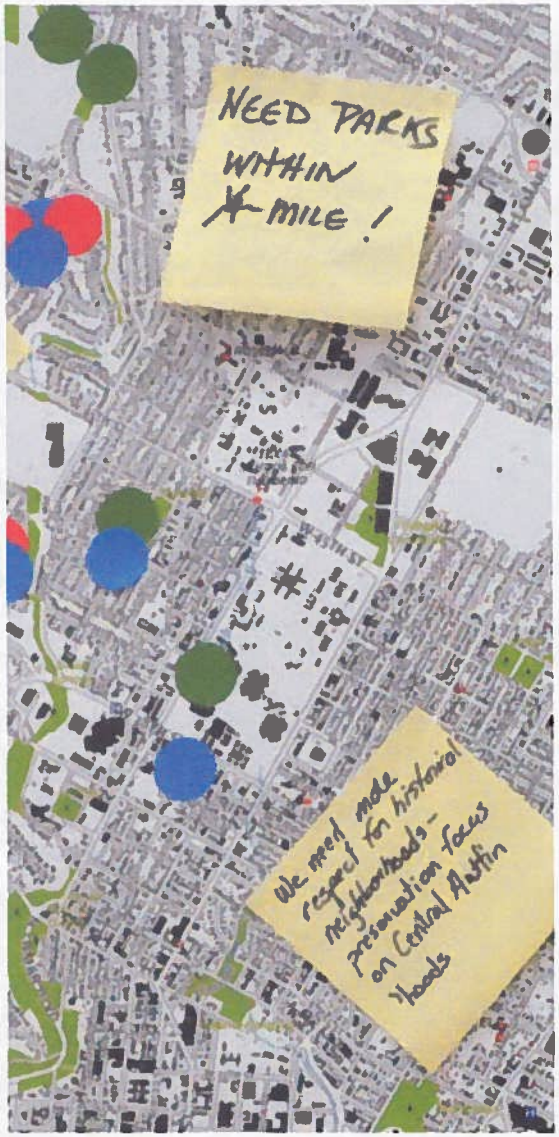




# What We Heard

- Compiled thousands of comments from nearly 800 Austin participants.
- Comments were analyzed using a key word identification approach.
- Method identified patterns to identify the main issues, or themes.
- Most frequently mentioned themes are listed here.
- Participant's comments were categorized under the themes that best represented their ideas.
- Themes may not be fully representative of the all the key issues or points of view of the community at large.

# What We Heard: Six Key Theme Categories

1. **Affordability**
2. **Environment/Open Space**
3. **Neighborhood Characteristics**
4. **Design of Development**
5. **Transportation**
6. **Code Issues**



# What Are the Top 10 Issues With the Land Development Code?

## Summary of Key Findings: Providing Focus to the Rewrite

# Overview of Top 10 Land Dev. Code Issues

1. Ineffective Base Zoning Districts
2. Competing Layers of Regulations
3. Complicated "Opt-in, Opt-Out" System
4. Lack of Household Affordability and Housing Choice
5. Auto-Centric Code
6. LDC Not Always In Line with Imagine Austin
7. Lack of Clarity and Usability
8. Ineffective Digital Code
9. Code Changes Adversely Affect Department Organization
10. Incomplete and Complicated Administration and Procedures

# 1 Ineffective Base Zoning Districts

## Base Zone Districts Do Not Recognize Appropriate Form or Different Types of Places

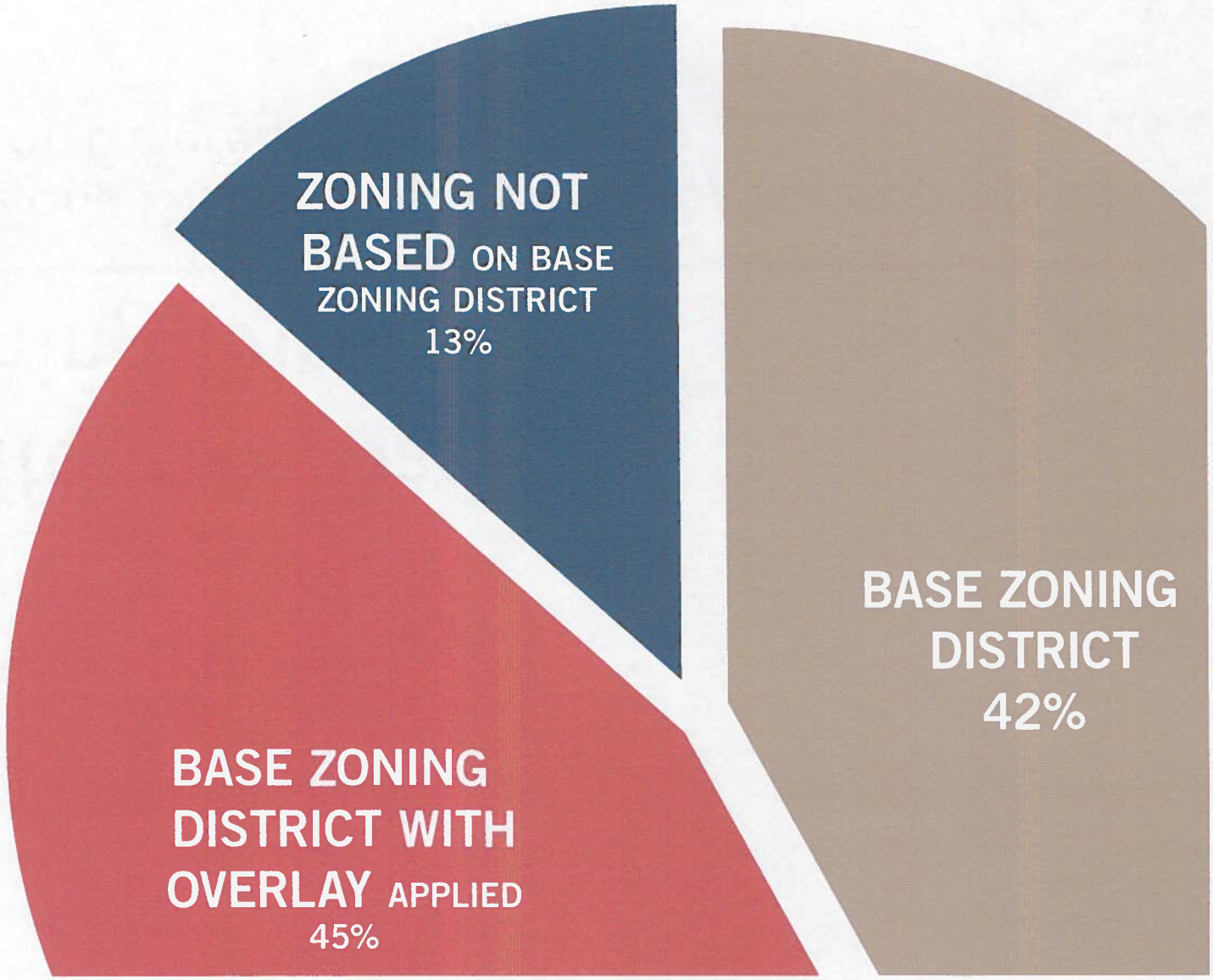
CODE NEXT
SHAPING THE AUSTIN WE IMAGINE

# Less than 50% of City is Regulated without Overlays


**COMMERCIAL ZONING DISTRICTS**


**RESIDENTIAL ZONING DISTRICTS**

*Graphs representing the percentage of land citywide and how it is regulated*




CODE NEXT
SHAPING THE AUSTIN WE IMAGINE

# Regulating Single Family Too Broadly: Example SF-3






# Need to Establish Hierarchy Along Corridors

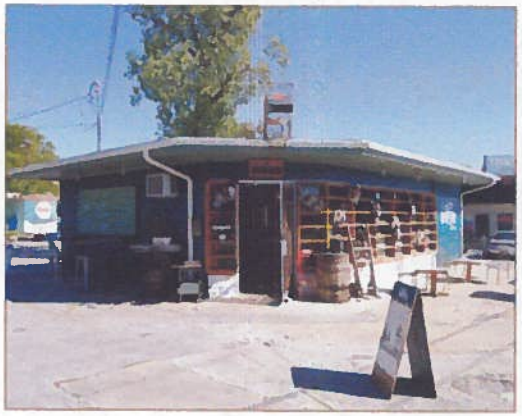

Top: Conventional approach to regulating a corridor: No Hierarchy. No Flexibility.


Form-based approach to regulating the same corridor. Clear Hierarchy. Focused Flexibility.

# Rich Palette of Base Zones Must Recognize Different Contexts

Walkable Urban

Transitional



Drivable Suburban

# 2 Competing Layers of Regulations

## Many Layers of Regulations Create Competing Systems

33 Base Zoning Districts × 19 Combining Districts = 627* Possible Combinations

* Not all overlays can be applied to all base zoning districts.

# 400+

## Found Combinations in the LDC

# How Did You Get Here?

## Added Layers of Regulation

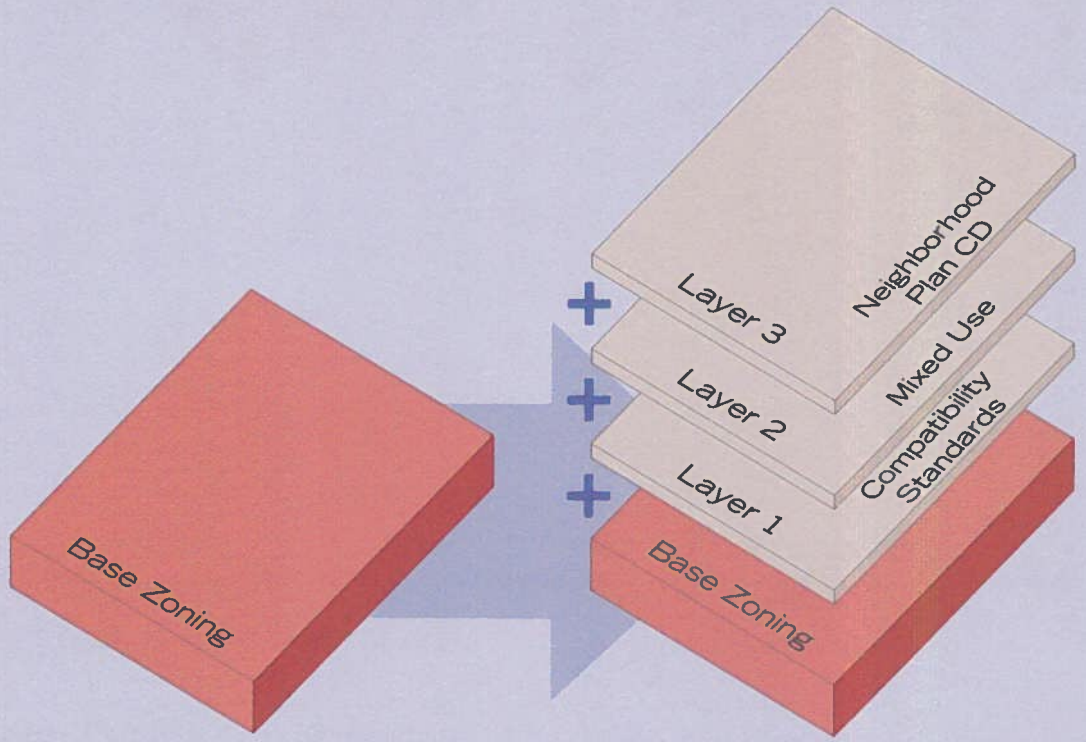
33 base zoning districts were originally created.

# How Did You Get Here?

## Added Layers of Regulation

33 base zoning districts were originally created.

Supplemental layers of regulations were added to address incompatibilities.



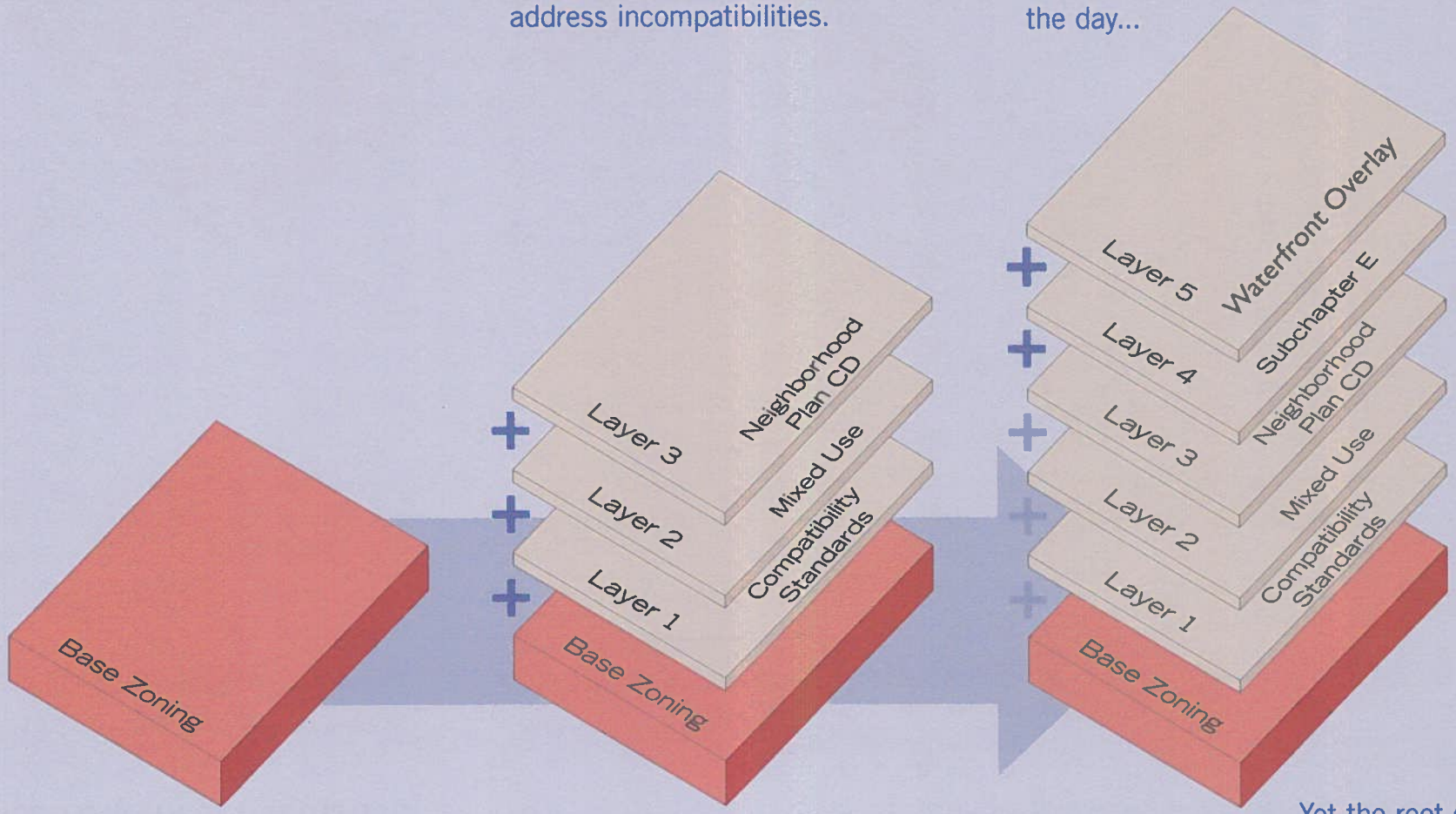
# How Did You Get Here?

## Added Layers of Regulation

33 base zoning districts were originally created.

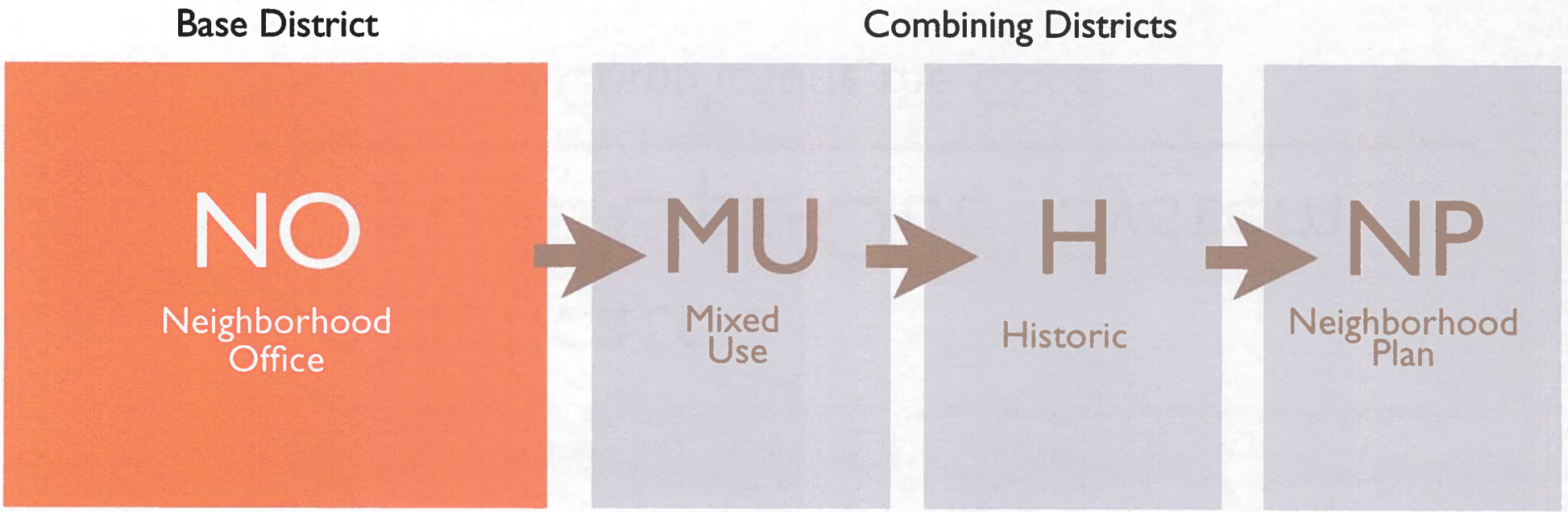
Supplemental layers of regulations were added to address incompatibilities.

Still more supplemental layers added to address top issues of the day...




...Yet the root of the problem was never fixed.

# The Potential Combinations are Complex




## NO-MU-H-P

# 3 Complicated "Opt-in, Opt-Out" System

## This is Over-Complicating the Code

CODE NEXT
SHAPING THE AUSTIN WE IMAGINE

# Tools: Good Intent. Ineffective Application

## Applicability of Neighborhood Plan Tools

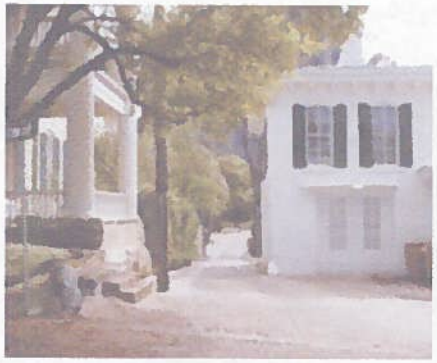
*The maps above represent the areas within the neighborhood plans that use or may use additional planning tools. Note that these areas are not represented on the zoning map and instead must be referenced separately, adding an additional layer of complexity to the usability of the code.*

# 4 Lack of Household Affordability and Housing Choice

## Household Affordability "Gap" Continues to Grow

# Household Affordability

1. Impacts Construction & Development Cost
   - A. Inefficient Approval and Permitting Processes
   - B. Restrictive Limits on Density in Some Areas
3. Few Policy Levers in Place to Preserve or Enhance Existing Affordable Housing
2. Current Density Bonus Programs Are Not Yielding Needed Results



Carriage House

Fourplex

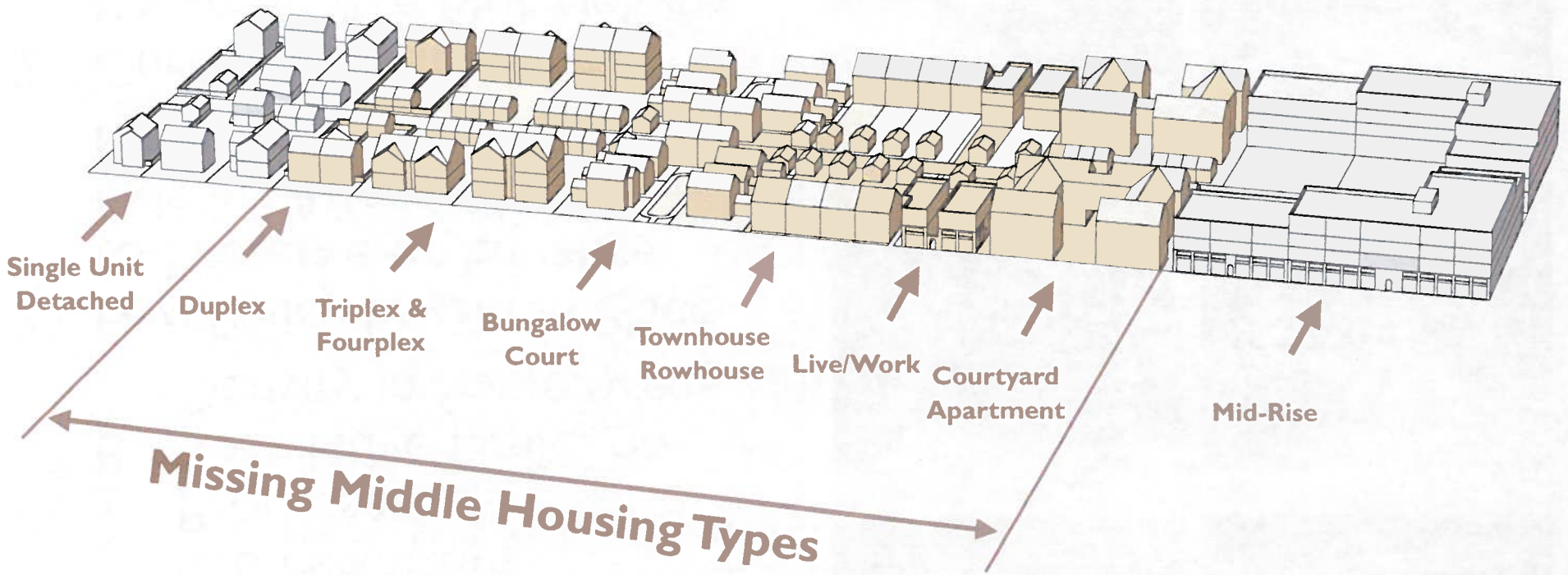
Duplex

Mansion Apartment/Apartment House

Duplex

Large Multiplex (6 – 8 units)

# Limited Housing Choices Regulated by Existing Code




# These Types are Critical to Provide Choice & Affordability

# 5 Auto-Centric Code

## An Obstacle to a Compact, Connected Austin and Protection of Community Character

# Regulations are Creating Auto-Dependent Density

Diagram of parking lots and driveways, shown in grey

structure abuts one story single-family houses

Parking surrounding buildings

First 3 floors are reserved for parking

Lots paved over for parking

# Parking Regs are Prohibiting Small Scale, Compatible Infill

# 6 LDC Not Always In Line with Imagine Austin

## Current Land Development Code Does Not Proactively Implement Imagine Austin

# Priority Program 1: Invest in a Compact and Connected Austin


City and partners have invested in transit, bicycle and pedestrian infrastructure, but…

# Transportation Infrastructure Has Not Kept Pace

# Priority Program 2: Sustainably Manage Water Resources

Less Urban ⟷ More Urban

Vegetated Swale

Urban Channel

## Stormwater Tools: Choose Right Tool Based on Context

# Priority Program 4: ….and Integrate Nature into the City

## Tree Preservation: Very Important for Character of Place

Projects are finding creative ways of preserving existing trees

# 7 Lack of Clarity and Usability

## Adversely Affect LDCs Effectiveness

# Inconsistent Structure and Location of Content

## ORGANIZATION OF CONTENT

The basic structure of the existing Land Development Code has four major structural levels below Title 25 Land Development Code:

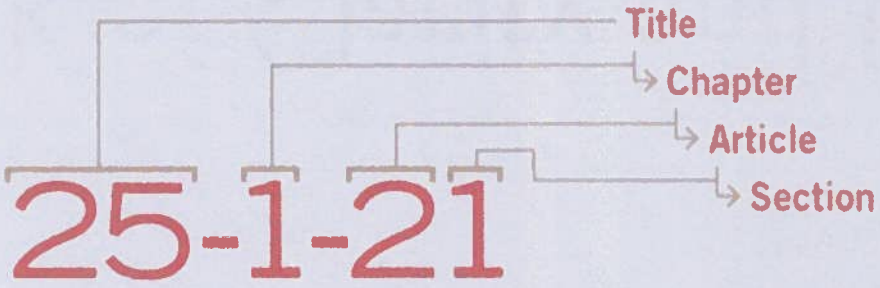
- Chapter
- Article
- Section

This organizational structure has been amended over the past 30 years with additional layers added, such as:

- Division
- Sub-chapter
- Subpart

While these new layers have been added, the methodology for numbering the layers for ease of referencing has not been updated, making the numbering system ineffective at allowing a user to understand where in the hierarchy of the LDC the reference exists.

### Base Structure



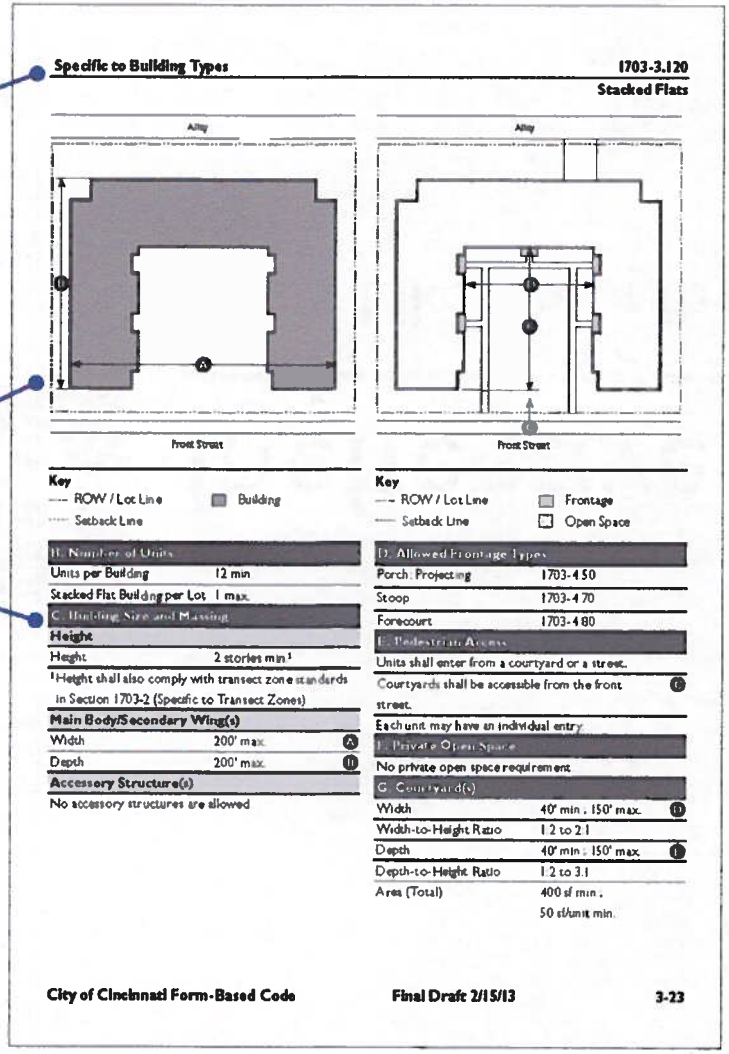

### Variations of Structure

Title
↳ Chapter
↳ Article
↳ *{Division}*
↳ Section

Title
↳ Chapter
↳ *{Sub-chapter}*
↳ Article
↳ *{Division}*
↳ Section

Title
↳ Chapter
↳ *{Sub-chapter}*
↳ Article
↳ *{Division}*
↳ *{Subpart}*
↳ Section

# Basic Graphic Design and Usability in New Code



**Specific to Building Types** **1703-3.120**

**Stacked Flats**

Alley

Front Street

**Key**

ROW / Lot Line — Setback Line — Building

| B. Number of Units | |
|---|---|
| Units per Building | 12 min |
| Stacked Flat Building per Lot | 1 max. |
| **C. Building Size and Massing** | |
| **Height** | |
| Height | 2 stories min.[1] |

[1]Height shall also comply with transect zone standards in Section 1703-2 (Specific to Transect Zones)

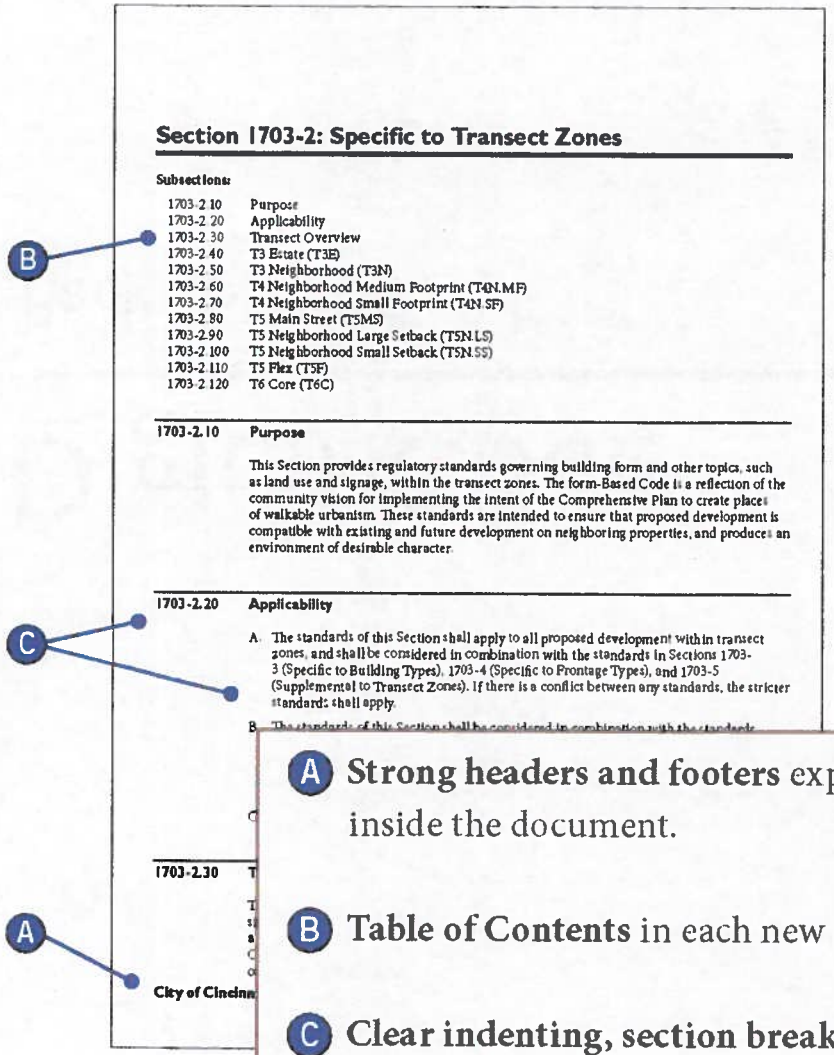
| **Main Body/Secondary Wing(s)** | | |
|---|---|---|
| Width | 200' max. | A |
| Depth | 200' max. | D |
| **Accessory Structure(s)** | | |
| No accessory structures are allowed | | |

**Key**

ROW / Lot Line — Setback Line — Frontage — Open Space

| D. Allowed Frontage Types | |
|---|---|
| Porch, Projecting | 1703-4.50 |
| Stoop | 1703-4.70 |
| Forecourt | 1703-4.80 |
| **E. Pedestrian Access** | |
| Units shall enter from a courtyard or a street. | |
| Courtyards shall be accessible from the front street. | C |
| Each unit may have an individual entry. | |
| **F. Private Open Space** | |
| No private open space requirement | |
| **G. Courtyard(s)** | |
| Width | 40' min., 150' max. D |
| Width-to-Height Ratio | 1.2 to 2.1 |
| Depth | 40' min., 150' max. E |
| Depth-to-Height Ratio | 1.2 to 3.1 |
| Area (Total) | 400 sf min., 50 sf/unit min. |





## Section 1703-2: Specific to Transect Zones

**Subsections:**



**1703-2.10 Purpose**

This Section provides regulatory standards governing building form and other topics, such as land use and signage, within the transect zones. The form-Based Code is a reflection of the community vision for implementing the intent of the Comprehensive Plan to create places of walkable urbanism. These standards are intended to ensure that proposed development is compatible with existing and future development on neighboring properties, and produces an environment of desirable character.

**1703-2.20 Applicability**

A. The standards of this Section shall apply to all proposed development within transect zones, and shall be considered in combination with the standards in Sections 1703-3 (Specific to Building Types), 1703-4 (Specific to Frontage Types), and 1703-5 (Supplemental to Transect Zones). If there is a conflict between any standards, the stricter standards shall apply.

B. The standards of this Section shall be considered in combination with the standards

**1703-2.30 T**

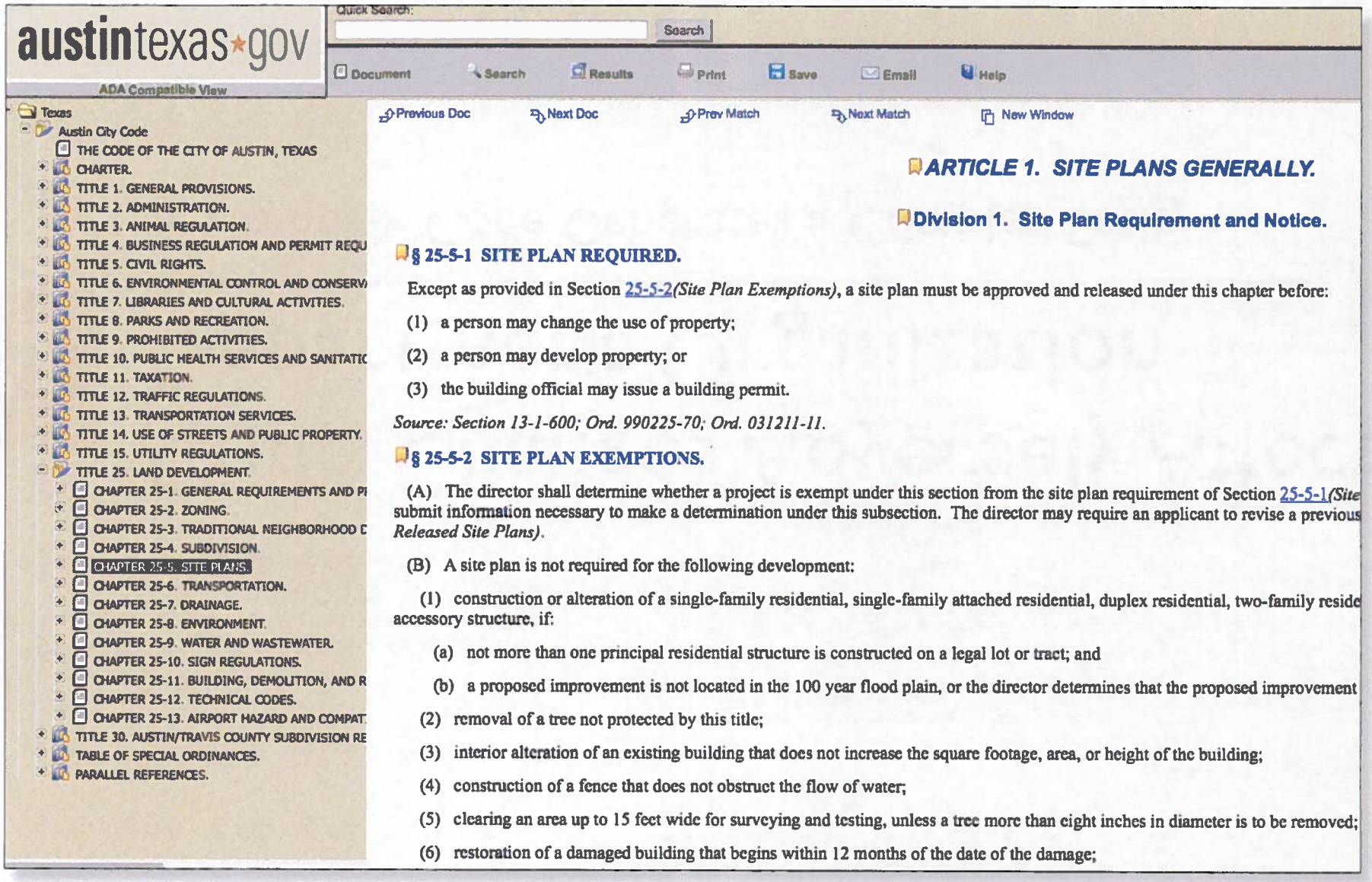
City of Cincinn

- **A Strong headers and footers** explain where you are inside the document.
- **B Table of Contents** in each new section.
- **C Clear indenting, section breaks, and labeling.**
- **D Clear graphics and illustrations** visually explain regulations.

# 8 Ineffective Digital Code

## Feels Like Stepping Back To 1984

# Code Usability Further Hindered by Dated System



9

# Code Changes Adversely Affect Department Organization

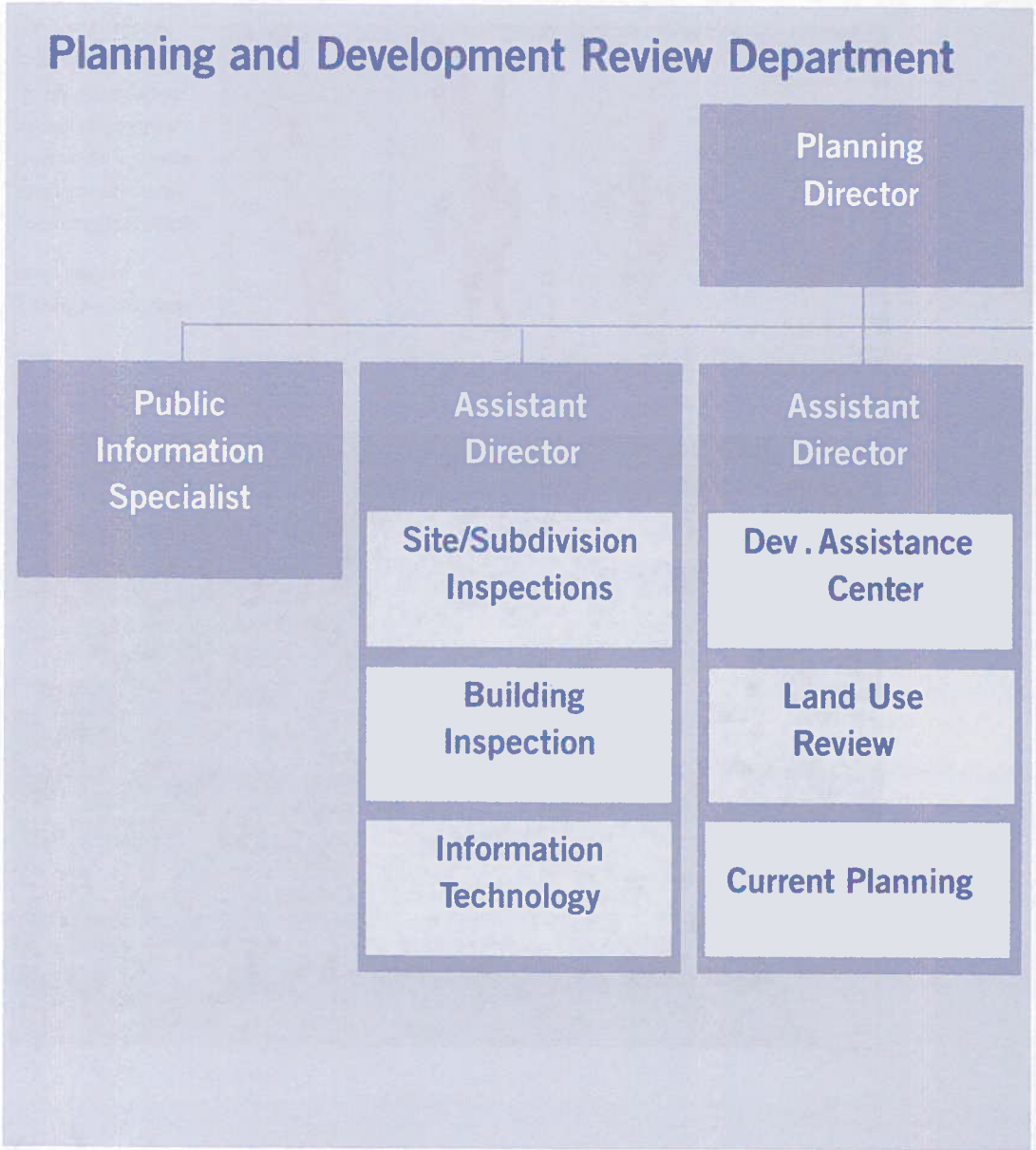
## A Complex Code Generates a Complex Entity

CODE NEXT
SHAPING THE AUSTIN WE IMAGINE

# LDC Complexity Impacts the Organizational Structure

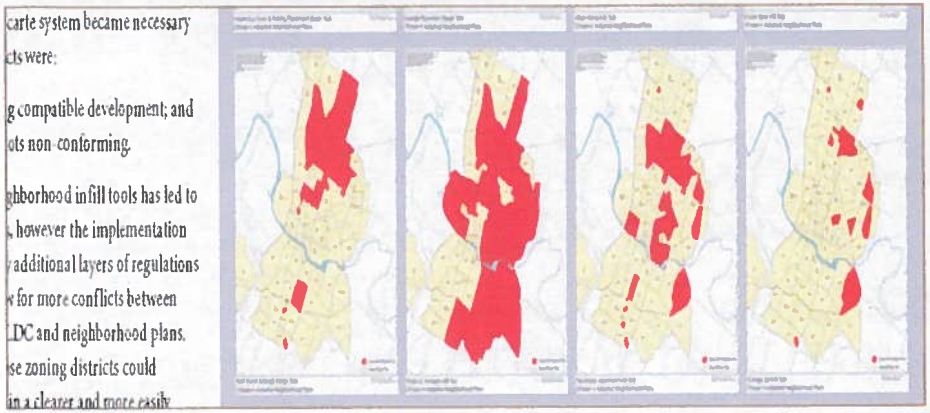
1. Multi-Layered System Lacks a by-right discipline
2. Difficulty of Maintaining a Common Interdepartmental Mission
3. Continuous amendments complicate administration and staff training

This Effort Is the Opportunity to Break Down Silos to improve integration



# Side Effects of LDC Complexity

1. Strains the Development Assistance Center Workspace
2. Increases Potential for Conflicting Department Requirements



carte system became necessary
cts were:

g compatible development; and
ots non-conforming.

ghborhood infill tools has led to
, however the implementation
additional layers of regulations
for more conflicts between
LDC and neighborhood plans.
se zoning districts could
in a clearer and more easily

# 10 Incomplete and Complicated Administration and Procedures

## Creates Inconsistent and/or Lengthy Reviews

CODE NEXT
SHAPING THE AUSTIN WE IMAGINE

# Creates Inconsistent and/or Lengthy Reviews

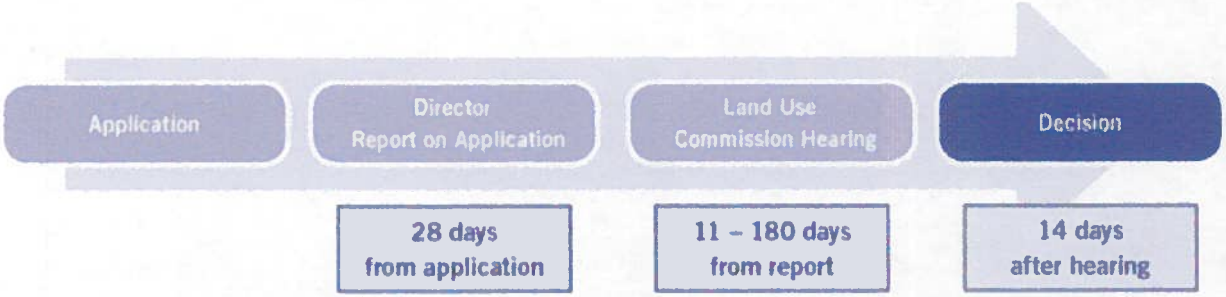
| Application Review Time Table | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Permit | Subdivision | | Site Plan | | Commercial Building | | New Residential | |
| Fiscal Year | 2013 | 2012 | 2013 | 2012 | 2013 | 2012 | 2013 | 2012 |
| Average Days | 33 | 30 | 29 | 28 | 33 | 34 | 11 | 5 |
| Percent On-Time | 41% | 59% | 42% | 42% | 25% | 22% | 82% | 84% |

Source: City of Austin, Development Process Tracking, September 2013

| Cycle Time Table | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Permit | Subdivision | | Site Plan | | Commercial Building | | New Residential | |
| Fiscal Year | 2013 | 2012 | 2013 | 2012 | 2013 | 2012 | 2013 | 2012 |
| Average Days | 108 | 102 | 114 | 112 | 209 | 188 | 94 | 45 |
| Approved within 120 Days | 51% | 65% | 49% | 50% | 25% | 32% | 67% | 91% |

Source: City of Austin, Development Process Tracking, September 2013

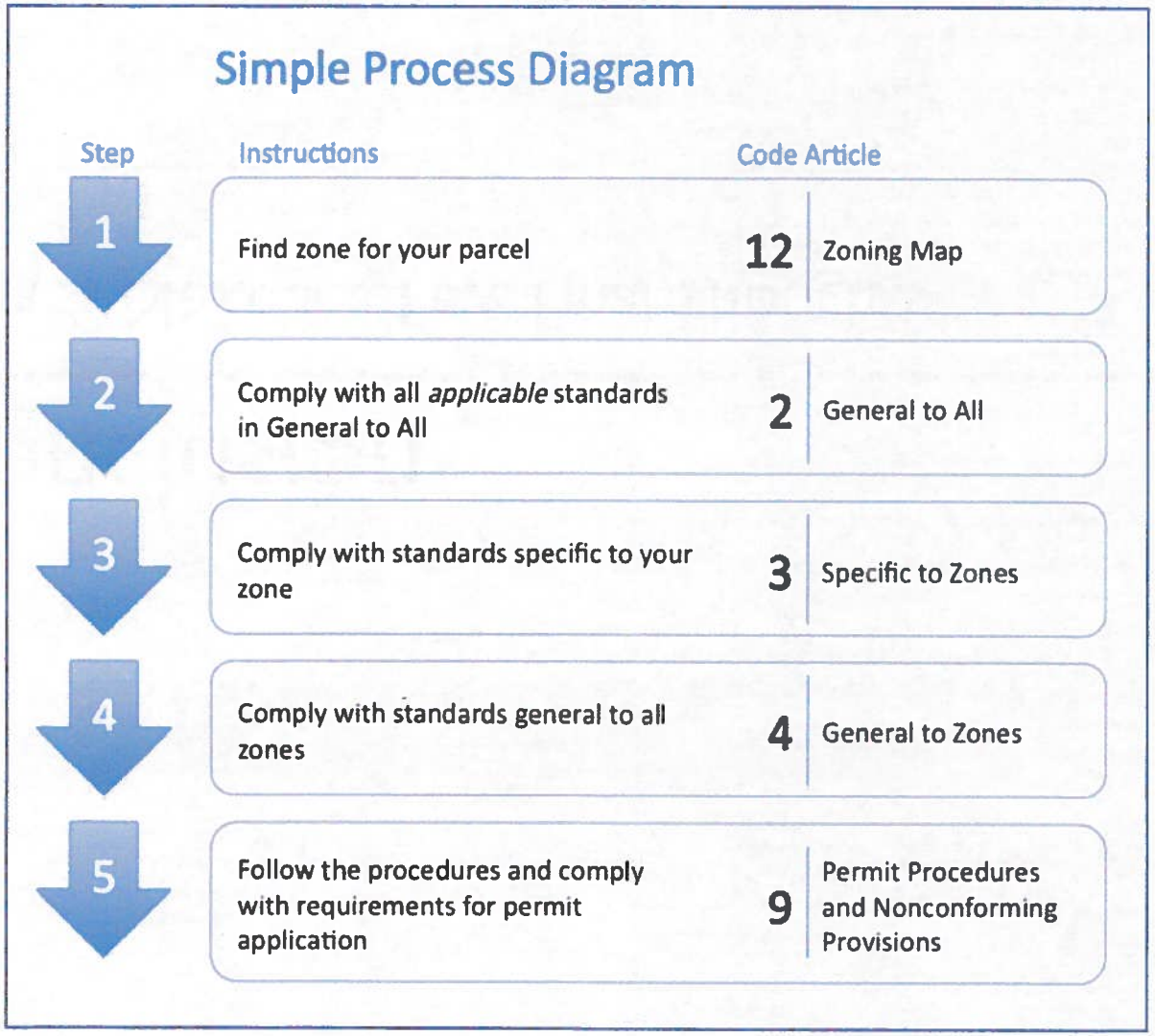
1) Process not well defined
2) Administration information spread throughout document
3) Missing or incomplete code administration information
4) Inconsistent interpretations
5) Overlapping layers of boards and commissions
6) Convoluted variance and appeal process, etc.




*To put the above tables in context, the graphic above provides targeted time frames for site plan review and approval. (The time frames do not include the applicant request for a review extension of up to 180 days.)*

## Lack of Flexibility to Add Staff During Upswings - Inability to Respond

# Clarity is Needed in the Process



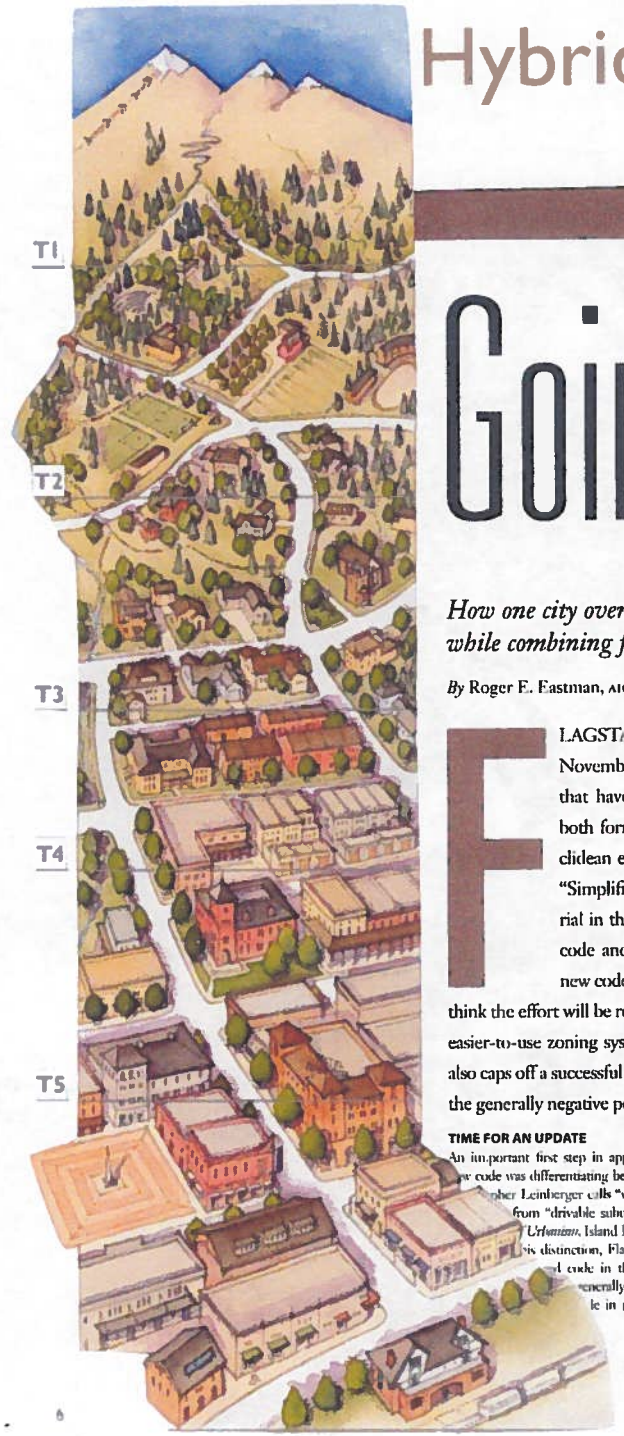

*Sample Process Diagrams from Livermore Development Code*

# Conclusion

## What's Next & a Few Final Thoughts

# This is a Foundation for Making a Plan to Untangle the Mess

# Hybrid Code is Likely Good Approach




PLANNING PRACTICE

# Going Hybrid

*How one city overhauled its zoning code while combining form-based and conventional elements.*

*By* Roger E. Eastman, AICP, with Daniel Parolek and Lisa Wise

FLAGSTAFF, ARIZONA, entered an exclusive club in November. It is now one of the few cities in the U.S. that have adopted a hybrid zoning ordinance with both form-based components and conventional Euclidean elements as part of a complete code rewrite. "Simplified, streamlined, predictable" raved an editorial in the *Arizona Daily Sun* while praising both the code and the process used to adopt it. Getting the new code adopted wasn't easy, but many city residents think the effort will be repaid in a more efficient, more equitable, and easier-to-use zoning system. The adoption of the new zoning code also caps off a successful public engagement process that has changed the generally negative perception of city planners.

**TIME FOR AN UPDATE**

An important first step in approaching a new code was differentiating between what Duncan Leinberger calls "walkable urbanism" from "drivable suburban" areas (*The Option of Urbanism*, Island Press, 2008). With this distinction, Flagstaff could [illegible] code in the walkable [illegible] generally leaving the [illegible] in place in the

Thus, a new transect-based hybrid code resulted that defaults to promoting and allowing for walkable urbanism while seamlessly incorporating refined yet otherwise conventional Euclidean zoning tools for the drivable suburban areas. Because the regulations for the two different types of areas are not muddled together, the form-based code could be kept intact—and development opportunities could emerge in a manner con-

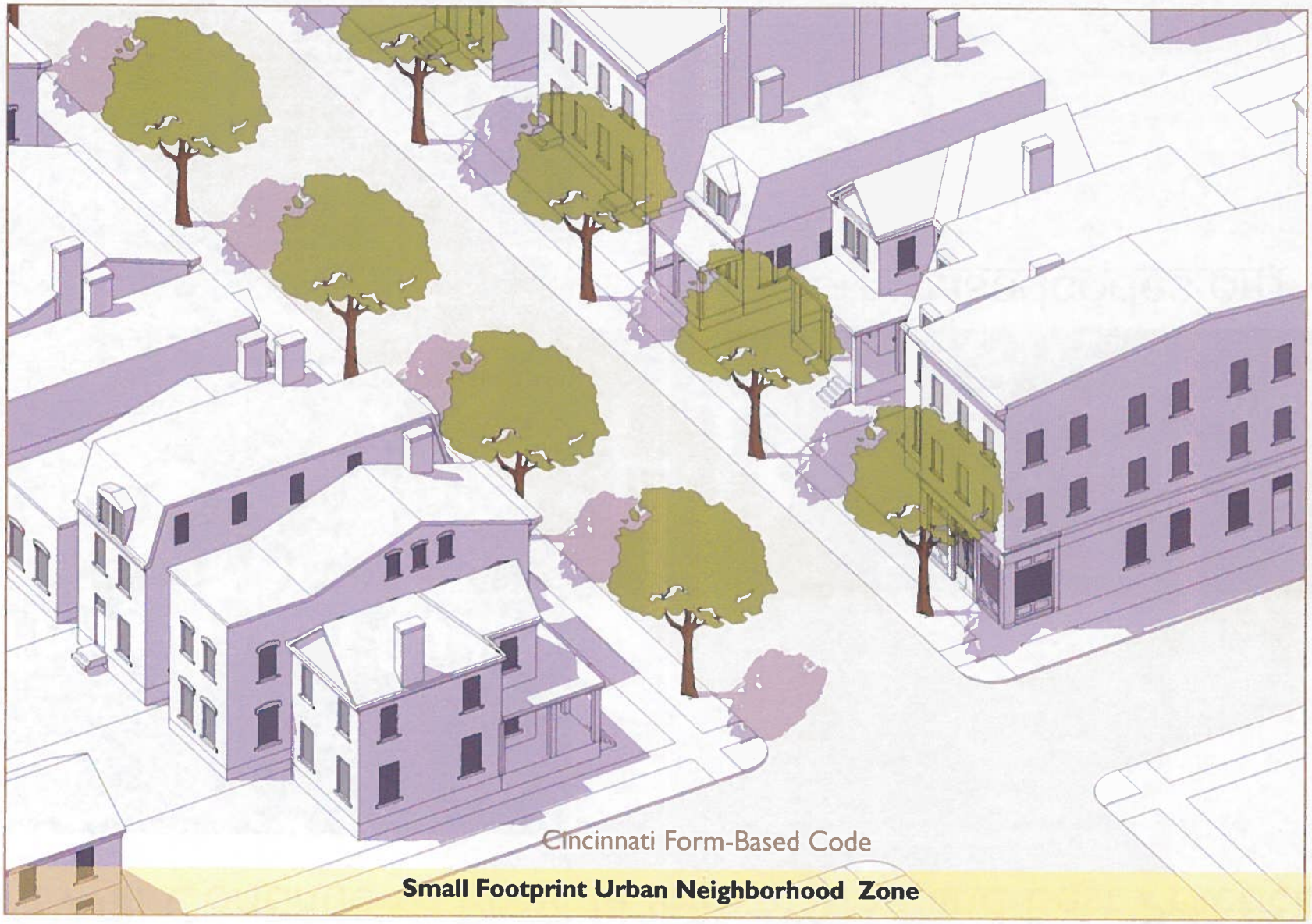
Flagstaff (pop. 62,000), at an elevation of about 7,000 feet, is the regional hub of northern Arizona. Established as a stop on the early transcontinental railway in 1882 and later Route 66 and Interstate 40, Flagstaff quickly grew as a logging and ranching town, and as a gateway for tourists visiting the Grand Canyon and other national parks and monuments. Residents appreciate the natural beauty of the area and enjoy outdoor pursuits such as hiking, skiing, hunting, fishing, and camping.

The downtown and oldest neighborhoods were planned with small blocks and lots, and today are valued for their historic buildings and inherently walkable urban character. Typical of many American cities, Flagstaff's urban form changed after World War II as auto-oriented suburban developments were added to the periphery of the city. Until recently Flagstaff's zoning ordinances have actively promoted these drivable suburban development patterns.

The need for a comprehensive update of the city's land development code had been apparent for some time as developers, contractors, design professionals, and residents complained about the code's complexity and inconsistency. Some even blamed the cumbersome nature of the code for contributing to the high cost of development and the failure of big projects and economic develop-

- Hybrid codes apply different zoning tools in different places within a city.
- Ability for city to "right-size" the zoning tools needed in a predictable and clear manner.

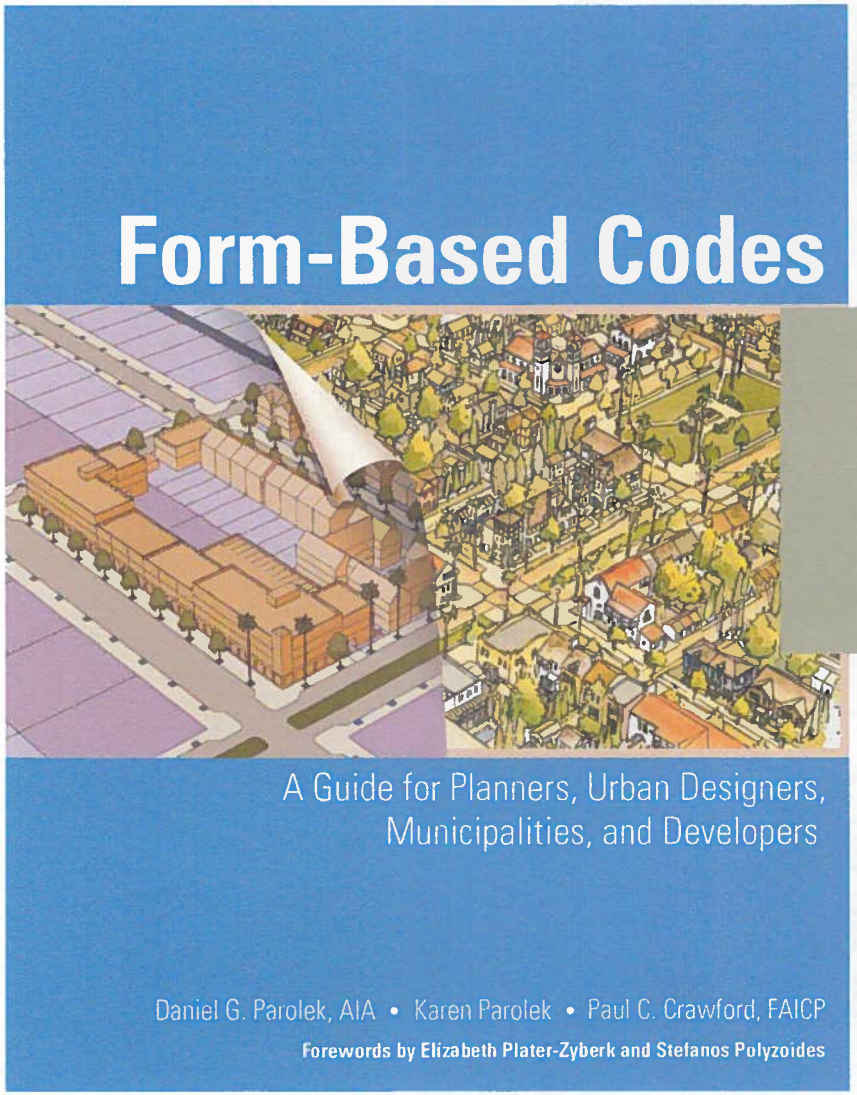
# Form-Base Zones-Good Starting Point for Simplicity & Compatibility



Cincinnati Form-Based Code

**Small Footprint Urban Neighborhood Zone**

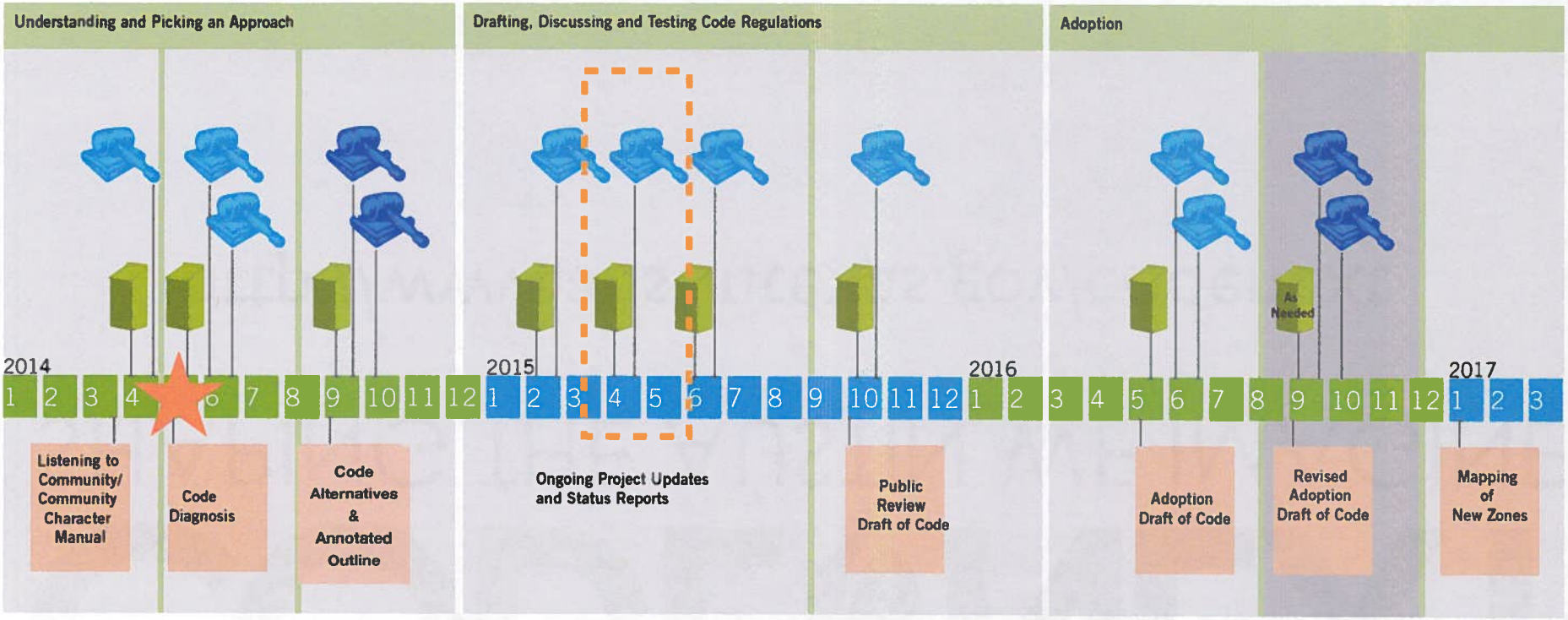
# We Will Continue to Provide Information and Best Practices




FBCI Form-Based Codes Institute

www.formbasedcodes.org

# Next Steps: Major Deliverables




KEY

- City Council Presentation/ Work Session
- City Council Decision
- Code Advisory Group & Planning Commission Presentation/ Special Session
- Major Deliverable


SHAPING THE AUSTIN WE IMAGINE

http://www.austintexas.gov/codenext